



### Testimony regarding

### HB 5054, AA Protecting Victims of Domestic Violence HB 5597, AA Protecting Victims of Domestic Violence Seeking Restraining Orders

Judiciary Committee  
March 14, 2016

Good morning Senator Coleman, Representative Tong, Representative Rebimbas, Representative Berger, Representative Labriola, Representative O'Neill, Representative Sampson and members of the committee. Safe Haven of Greater Waterbury provided life-saving services to over 3,154 people in FY 2015. Service provided include emergency shelter, 24-hour crisis services, legal advocacy for both criminal and civil matters, advocacy surrounding benefits, housing and job training, individual and peer group counseling and child advocacy including art therapy. We also provided presentations to over 2,754 adults and 14,464 students (ages 5-21) through our community education program. We serve victims and their children in the towns of Bethlehem, Cheshire, Middlebury, Naugatuck, Prospect, Southbury, Waterbury, Watertown, Wolcott and Woodbury.

#### **HB 5054**

**We urge your support of HB 5054, which will provide the most comprehensive protection of victims of domestic violence at the most dangerous time and strengthen processes within a system designed to help them.**

The goal of this bill is simple, to protect victims of domestic violence at the most dangerous time by temporarily removing firearms from their abuser when the abuser has received notice that he or she is the subject of a temporary, ex parte restraining order. The bill also addresses several recommendations of the Task Force to Study Service of Restraining Orders established pursuant Public Act 14-217.

The most dangerous time for a victim of domestic violence is when she or he takes steps to end the relationship.<sup>i</sup> Because domestic violence is all about power and control of one partner over the other, this can be a particularly difficult time for the abuser, who will begin to realize that he or she is losing control over the victim. This may result in the offender taking more extreme actions to regain control.

Evidence-based research has shown that domestic assaults that involve firearms are 12 times more likely to result in death than those involving other weapons or bodily force.<sup>ii</sup> And women in an abusive relationship are 5 times more likely to be killed if their abuser has access to a firearm.<sup>iii</sup> Meanwhile, state laws prohibiting firearm possession by persons subject to restraining orders reduced rates of intimate partner homicide of women by 12-13%, decreasing overall intimate partner homicides by 10%.<sup>iv</sup> Finally, at least 20 other states have recognized that dangerous combination posed by domestic violence and firearms and have given their courts explicit authority to temporarily remove firearms from some or all individuals subject to ex parte restraining orders.<sup>v</sup>

Connecticut has seen an average of 14 intimate partner homicides annually since 2000 and firearms are the single most commonly used weapon in those homicides (39%).<sup>vi</sup> The state has a vested interest in protecting the lives of victims of domestic violence. Existing state law prohibits anyone who is the subject of a full, one year restraining order from possessing firearms. Not extending the same prohibition during the temporary order which covers the most dangerous period of time for a victim is a serious gap in our laws. If this measure saves just one life by requiring the temporary, two week removal of firearms during ex parte restraining orders, then we believe it deserves the full support of the General Assembly.

The dynamics of emotional and physical abuse are chilling when compounded with the presence of firearms. Saying that firearms are a barrier for victims to leave is an understatement. When an abuser has access to a firearm it is next to impossible to leave in the mindset of a victim. There is a level of fear that is hard to portray unless you have lived it or heard a firsthand account.

A victim described the constant verbal assaults by her abuser regarding her ineptitude at finding a career, her getting food on the table, her appearance, her education, her life choices. Her abuser would shove her to the ground, shove her against walls, grab her and squeeze her hard above the elbows and above her knees so the bruises wouldn't be seen. Her abuser became so enraged one night that he yanked out her bangs from her scalp.

At the time she came to Safe Haven, he was tracking her by using her phone and was monitoring her every move. Her abuser would constantly accuse her of cheating on him. I asked her, if he had any weapons or firearms that we needed to be concerned about in regards to her safety. She answered with a resounding yes. He owned two guns that she knew of. He kept one in the bedside table and the other gun under the mattress, where they slept. Can you begin to imagine how it feels, to wake up to a life where there is always a monster under the bed?

With utter sadness and despair she felt the only way out was through death. She was living a nightmare of constant manipulative tactics and control. In this situation, she was too scared and to even consider a restraining order. The process as it stands could not guarantee her immediate protection.

Abusive partners are the minority. Abusive partners that portray imminent risk to victims are an even smaller minority of the population. We are not asking to take guns out of the hands of law abiding citizens. We are talking about a small minority whose sole purpose is to control, manipulate and harm their partner and potentially any children in the home.

Abusers have a knack for figuring out when they will be getting served and often work to avoid service. As a civil process getting a restraining order is not easy. A victim must prove that there is threat of physical harm or threat of death. There has to be facts. A victim must write an affidavit and submit the restraining order paperwork to court. A victim must then wait to get it approved. If, an ex-parte is granted, then the victim must wait two weeks for the hearing and face the abuser in court.

#### **HB 5597**

**We urge your rejection of HB 5597, which, though well-intentioned, poses an unnecessary risk to victims of domestic violence.**

House Bill 5597 seeks to protect victims of domestic violence from gun violence by requiring the use of a risk warrant (discussed above on page 2) when a victim applying for a civil restraining order elects to state that she or he believes that a family or household member poses a risk of imminent personal injury to them. While we appreciate the intent of the proponents of HB 5597, we firmly believe that comprehensive protection through the state's civil restraining order, similar to the policies of 20 other states, remains the most commonsense mechanism for protecting victims of domestic violence through the very process established by this body to protect them. While we have already outlined our concerns regarding the risk warrant and reasons why we believe that the risk warrant should not be the exclusive means to remove firearms from subjects of temporary restraining orders, we also want to highlight the potential risk posed by this specific language.

As the bill is written, once the victim chooses to state that she or he believes the respondent "poses a risk of imminent personal injury" to them, the court must automatically begin the risk warrant process. Unfortunately, since the state only provides funding for Family Violence Victim Advocates in 4 civil courts throughout the state, it is not clear that there will be anyone to explain to the victim what a risk warrant is or process that it entails. The victim will have sought a civil order with the expectation that the police will not be involved and it is unlikely that any victim completing an application for a restraining order would not answer in the affirmative this question about "imminent risk," the very standard for a temporary restraining order. So now, in every instance, these victims may unknowingly trigger police involvement, including a full search of the respondent's home. Such a process may easily incense their abuser and

increase the possibility for retaliation. We cannot overstate the risk associated with this well-intentioned proposal. We urge rejection of this measure.

Some clients are hesitant to involve law enforcement for a variety of reasons. One recent example of a client that we helped did not trust the police. She called the police when her husband's behavior was escalating and she was fearful. When the police arrived, they said that they really could not do anything because he did not lay a hand on her. Did she really want to have him removed from the house? It was cold outside and he didn't have anywhere to go. The police left and the abuser stayed. A few hours later, she called the police again as her abuser's behavior continued to escalate. The same two officers came to the residence and she heard the same thing. The police left again and the abuser stayed once again. The victim called Safe Haven the next day for some advice about what to do. This client did not trust the police after the two encounters that she had with them. If this new law were in place, why would she trust that the police would handle this situation in her best interest? If HB 5054 is passed into law, the judge has already made the determination that there is "imminent risk" when he/she signed the TRO, taking the judgement out of the police officer's hands. The police would just need to accompany the marshal to serve the TRO and remove any firearms and ammunition that is reported to be on the premises.

Please do not hesitate to contact me with any questions or concerns.

Lee R. Schlesinger, Executive Director  
Margaret L. Rosa, Associate Director  
Safe Haven of Greater Waterbury, Inc.  
lschlesinger@safehavenofgw.org  
mrosa@safehavenofgw.org  
203.575.0388

---

<sup>i</sup> Campbell, JC, et al. 2003. "Risk Factors for Femicide in Abusive Relationships: Results from a Multistate Case Control Study." *American Journal of Public Health*. 93(7): 1092.

<sup>ii</sup> Center for Gun Policy and Research. "Intimate Partner Violence and Firearms." Johns Hopkins Bloomberg School of Public Health, citing Saltzman LE, et al, 1992. "Weapon Involvement and Injury Outcomes in Family and Intimate Assaults." *Journal of the American Medical Association*. 41(2): 281-83.

<sup>iii</sup> Supra note 3

<sup>iv</sup> Vigdor ER, Mercy JA. 2006. "Do Laws Restricting Access to Firearms by Domestic Violence Offenders Prevent Intimate Partner Homicide?" *Evaluation Review*. 30:313-46.

<sup>v</sup> Arizona, California, Hawaii, Illinois, Maine, Massachusetts, Michigan, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, Texas, Utah, Virginia, Washington, West Virginia.

<sup>vi</sup> Connecticut State Police Crimes Analysis Unit; <http://www.dps-data.ct.gov/dps/ucr/ucr.aspx>.